

## **U.S. Department of Justice**

United States Attorney Eastern District of New York

GDA: qda

F.#2000R02720

271 Cadman Plaza East Brooklyn, New York 11201

October 26, 2010

## BY ECF

The Honorable Nicholas G. Garaufis United States District Judge Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Re: United States v. Salvatore Vitale Criminal Docket No. 02-307 (NGG)

Dear Judge Garaufis:

In the above entitled matter, the government does not oppose the application to unseal its September 9, 2010 motion for a downward departure pursuant to Title 18, United States Code, Section 3553(e) and Section 5K1.1 of the Sentencing Guidelines. The government notes, however, that in doing so, it departs from the standard policy of this Office to file and maintain such documents under seal. Here we do not object to the unsealing in light of the repeated public testimony of the defendant Vitale in this Court and others, over a considerable period of time, and in light of the fact that additional security measures have been instituted to prevent any danger to the defendant. And finally, perhaps most importantly, the motion at issue was drafted with an understanding that disclosure was likely.

Respectfully submitted,

LORETTA E. LYNCH United States Attorney

By: /s/

Greg Andres
Assistant U.S. Attorney

cc: Brian Waller, Esq.
 (Attorney for the defendant Vitale)